

REMARKS

Claims 22-48 are currently pending in this application. Claims 22-48 have been rejected. Claims 22-48 have been canceled. New Claims 49-72 have been added. Therefore, new Claims 49-72 are pending in the Application. Reconsideration of the application based on the new claims and arguments submitted below is respectfully requested.

Claim Objections

The Patent Examiner has objected to Claim 34 because it is dependent on Claim 41 rather than Claim 31. In response to this rejection, the applicant submits that this claim has been canceled. Accordingly, this rejection should be withdrawn.

Claim Rejections – 35 U.S.C. §112

The Patent Examiner has rejected Claims 29, 35-41, and 47-48 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, the applicant submits that these claims have been canceled and this rejection should be withdrawn.

Claim Rejections - 35 U.S.C. §103

The Examiner has rejected Claims 22-34 under 35 U.S.C. §103(a) as being unpatentable over Kaplan in view of Leeke et al., Claims 35-41 under 35 U.S.C. §103(a) as being unpatentable over Kaplan further in view of Leeke and Linden, Claims 42-46 under 35 U.S.C. §103(a) as being unpatentable over Kaplan further in view of Slotznick, and Claims 47-48 under 35 U.S.C. §103(a) as being unpatentable over Kaplan in view of Slotznick and further in view of Leeke. In response to these

rejections, the applicant has canceled Claims 22-48. These rejections are now moot and should be withdrawn.

New Claims 49-72

Applicant submits that new Claims 49-72 are patentable over the references cited by the Patent Examiner because those references do not teach or suggest all of the claim limitations required by these new claims.

Claim 49 is directed to a method of collecting and providing access to consumer music preference information that includes the steps of providing a server computer system for receiving and storing demographic and geographic information associated with a plurality of consumers, for receiving and storing music information associated with a plurality of music products, and for receiving and storing consumer music preference information associated with the plurality of music products and the plurality of consumers. The method also requires the step of providing a consumer interface to the server computer system that allows the plurality of consumers to input demographic and geographic information into the server computer system, to access and review music information regarding music products stored on the server computer system, and to input consumer music preference information regarding the music products into the server computer system. The method further requires the steps of providing a record label interface to the server computer system that allows a record label to access consumer music preference information associated with music products produced by the record label and stored on the server computer system, providing a radio station interface to the server computer system that allows a radio

station to access consumer music preference information associated with music products used by the radio station and stored on the server computer system; or providing a music retailer interface to the server computer system that allows a music retailer to access all of the consumer music preference information stored on the server computer system. None of the references cited by the Examiner teach or suggest such a method.

Claims 50-60 are dependent claims that depend from Claim 49 and include all of its limitations. As a result, these claims are patentable for the same reasons as Claim 49. Claims 50-60 also include additional limitations, as indicated by the language used in those claims, that are not taught or suggested by the references cited by the Examiner and are patentable for this reason as well.

New Claim 61 is directed to a computer system that includes a server computer for receiving and storing demographic and geographic information associated with a plurality of consumers, for receiving and storing music information associated with a plurality of music products, for receiving and storing consumer music preference information associated with the plurality of music products and the plurality of consumers, and a consumer interface to the server computer that allows the plurality of consumers to input demographic and geographic information into the server computer, to access and review music information regarding music products stored on the server computer, and to input consumer music preference information regarding the music products into the server computer. Claim 61 also requires a record label interface to the server computer that allows a record label to access consumer music

preference information associated with music products produced by the record label and stored on the server computer, a radio station interface to the server computer that allows a radio station to access consumer music preference information associated with music products used by the radio station and stored on the server computer, or a music retailer interface to the server computer that allows a music retailer to access all of the consumer music preference information stored on the server computer. The references cited by the Examiner do not teach or suggest such a computer system.

Claims 62-72 are dependent claims that depend from Claim 61 and include all of its limitations. Consequently, these claims are patentable over the references cited by the Examiner for the same reasons that Claim 61 is patentable over these references. These claims also include additional limitations, as indicated by the language used in these claims, that are not taught or suggested by the references cited by the Examiner and are patentable for this reason as well.

References Cited But Not Relied Upon By The Examiner

The Patent Examiner has cited U.S. Patent Nos. 6,020,880, 6,545,209, and 5,825,876 and indicated that these references are pertinent to the applicant's disclosure. Applicant has reviewed these references and submits that the invention as claimed is patentable over these references.

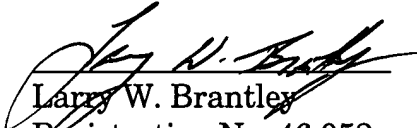
CONCLUSION

Based on the foregoing arguments, Applicant respectfully submits that this application is in a condition for allowance and that action is specifically requested.

If the Examiner has any questions regarding this response, or a telephone conference will facilitate the prosecution of this application, the undersigned attorney can be contacted at (256) 535-4400.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,


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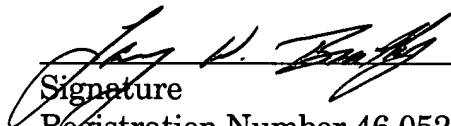
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I hereby certify that this Response and Amendment is being deposited with the U.S. Postal Service as first class mail on the date indicated below and in an envelope addressed to:

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Date